

### **Remarks**

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This Response is in reply to the Office Action mailed March 2, 2004 (hereinafter the "Office Action"). Claims 29, 31-34, 37, 39-42 and 46-52 were indicated as allowable. Claims 27, 28, 30, 35, 36, 38 and 43-45 were rejected.

Claims 27-52 remain in the application. Independent claim 53 has been added.

The indication of allowable subject matter in claims 29, 31-34, 37, 39-42 and 46-52, if rewritten in independent form, is acknowledged with appreciation. Currently added independent claim 53 includes the allowable subject matter of claim 49 combined with the subject matter of original claim 43.

### **Claim Rejections - 35 U.S.C. § 103**

Claims 27, 28, 30, 35, 36, 38 and 43-45 (including independent claims 27, 35 and 43) were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lentini (U.S. Patent No. 6,079,585) in view of Haas (U.S. Patent No. 5,601,206). Specifically, the Office Action stated that Lentini does not teach "the hooking cam engaging the lid latch while the lid is in the opened position, such that as the lid actuator is rotated the lid latch tracks along the hooking cam of the lid actuator while the lid is pulled down." It was stated, however, that "Haas teaches a sealing gasket (49) around the perimeter of the top of the box . . . [which] would allow the lid to remain in an open position, to the same degree claimed, such that as the lid actuator is rotated the lid latch tracks along the hooking cam of the lid actuator while the lid is pulled down." It was thus maintained in the Office Action that "[i]t would have been obvious to attach the gasket of Haas to the storage box of Lentini . . . [to] provide a watertight seal for the contents of the storage box."

Applicant respectfully submits that the Lentini and Haas references, when combined, do not teach or suggest all of the limitations of the claims rejected under Lentini and Haas, and thus that a *prima facie* case of obviousness under 35 U.S.C. § 103 was not established in the Office Action.

Independent claim 27 includes the limitation of:

“the lid actuator including a hooking cam to engage the lid latch while the lid is in an opened position such that, as the lid actuator is rotated, the lid latch tracks along the hooking cam of the lid actuator while the lid is pulled down.”

Similarly, independent claim 35 includes the limitation of:

“means for engaging and latching the lid latch including a hooking cam for facilitating closing and securing the lid to the base structure, the hooking cam on a lid actuator engages the lid latch while the lid is in an opened position such that, as the lid actuator is rotated, the lid latch tracks along the hooking cam of the lid actuator wherein the lid is pulled down, the lid being securely closed upon complete travel of the lid latch along the hooking cam.”

Also, independent claim 43 includes the limitation of:

“a lid coupler, connected to the lid and the base structure, shaped to releasably couple the lid to the base structure, the lid coupler having a first coupling position occurring when the lid is in an opened position.”

Each of these claims requires that a lid coupler or a hooking cam engage the lid when in a first, open position and when in a second, downward position. In contrast, neither of the Lentini or Haas references teaches or suggests a lid coupler or hooking cam that engages the lid when in an opened position. The structure of Haas, relied on in the Office Action, is a sealing gasket 49 disposed on a base and residing in a U-shaped socket 46 in the cover when the cover is in a closed position. This relationship is illustrated in FIG. 8 of Haas, which shows the cover 22 closed upon the base 21, and discussed on line 11 of column 6 of Haas, which describes the cover 22 being closed on the base 21. Thus, Haas fails to teach or suggest a lid coupler or hooking cam that engages the lid when in a first, open position.

In addition, not only does Haas fail to teach or suggest such a coupler or hooking cam, the structure in Haas would not “allow the lid to remain in an open position to the same degree as claimed,” as maintained in the Office Action, because the U-shaped socket of Haas is clearly designed to fit over the sealing gasket 49 to allow a tight fit between the cover and the base. The gasket and socket of Haas are designed to provide a watertight seal, and thus would be inoperable if the gasket held the lid above the base as such a relationship would allow water to enter the base.

Furthermore, even if the references were combined, they would not result in the invention as claimed. Combining the seal of Haas with the box of Lentini would simply result in the box of Lentini having a seal that allows the lid to close completely, as taught by Haas.

As discussed in lines 1-4 of page 13 of the present application as filed, the present invention provides a storage box that has a lid coupler that can be operated when the lid is in a partially opened position. A user thus need not hold the lid tightly down on the base to activate the locking mechanism of the present invention. Neither the Haas reference nor the Lentini reference teaches or suggests this limitation of pending independent claims 27, 35 and 43. Accordingly, it is respectfully submitted that a *prima facie* case of obviousness under 35 U.S.C. 103 was not established in the Office Action.

Therefore, Applicant submits that independent claims 27, 35 and 43 are allowable over the cited art. Dependent claims 28, 30, 36, 38 and 44-45 are allowable for at least their dependence on an allowable independent claim.

### Conclusion

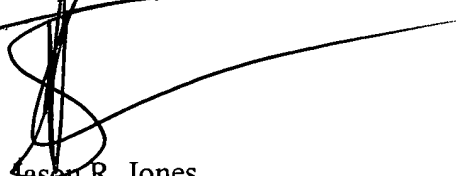
In light of the above, Applicant respectfully submits that pending claims 1-53 are in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Response, the Examiner is strongly encouraged to call Garron M. Hobson or Jason R. Jones at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

Check No. ~~19352~~, in the amount of \$43.00, is enclosed for the addition of one (1) independent claim, claim 53. It is noted that no extension of time is required in which to file this Response; therefore, no additional fee is due.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Response to Deposit Account No. 20-0100.

DATED this 1<sup>st</sup> day of June, 2004.

Respectfully submitted,



Jason R. Jones  
Registration No. 51,008

THORPE NORTH & WESTERN, LLP  
Customer No. 20,551  
P.O. Box 1219  
Sandy, Utah 84091-1219  
Telephone: (801) 566-6633